

# National Archives and Records Administration

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**NARA 1603**  
June 23, 2006

**SUBJECT:** Access to Records under the Privacy Act

**TO:** Office Heads, Staff Directors, ISOO, NHPRC, OIG

**Purpose of this transmittal memo.** This transmits a directive on how to process requests for access to and amendments of records subject to the Privacy Act of 1974, as amended, (5 U.S.C. 552a).

## **Significant changes**

- Par. 1603.7 -Applicability section which made reference to administrative records, changed to operational records consistent with our implementing regulations
- Pars. 1603.6 and 1603.15 – 1603.16 - Registering request - entire section has been revised to direct change in policy and staff designations
- Clearance of Responses and Signatory levels have been removed because they are not applicable
- Pars 1603.35 – 1603.37 - Creating new systems revised to reflect current practice and appropriate staff organizations
- Updated appendices concerning NARA systems consistent with the latest Federal Register publication. Added a new appendix for Government –wide Systems
- Updated inventory of system managers and facilities to reflect current office designations and facility addresses

**Canceled directives.** This directive cancels

- ADMIN. 201 – Chapter 1. General – Part 6. Privacy Act
- Interim Guidance 1600-2, Use of NARA’s Privacy Systems for Investigations, dated November 20, 2001

ALLEN WEINSTEIN  
Archivist of the United States

Attachment

# National Archives and Records Administration

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NARA 1603  
June 23, 2006

**SUBJECT:** Access to Records under the Privacy Act

## **1603.1 What is the purpose of this directive?**

This directive

- a. Provides policy and procedures on how to process requests for access to and amendments of records subject to the Privacy Act of 1974, as amended, (5 U.S.C. 552a), hereafter referred to as the Privacy Act.
- b. Describes the process for publishing a new or revised Privacy Act system of records; and,
- c. Transmits lists of:
  - (1) NARA's Privacy Act Systems of Records (appendix A);
  - (2) Routine uses for access to records under the Privacy Act (appendix B);
  - (3) Privacy Act systems exempt from disclosure (appendix C);
  - (4) NARA system managers (appendix D); and
  - (5) Government-wide system notices for common records (appendix E).

## **1603.2 Authority for this directive**

- a. 5 U.S.C. 552a, as amended
- b. 44 U.S.C. 2104(a)
- c. 36 CFR part 1202

## **1603.3 Applicability**

This directive applies to records subject to the provisions of the Privacy Act of 1974, as amended.

#### **1603.4 What is the difference between the Privacy Act and the Freedom of Information Act (FOIA)?**

a. The Privacy Act, among other things, allows United States citizens or lawfully admitted permanent residents to gain access to name-retrievable information that is maintained on themselves in a system of records, unless such information is exempt from disclosure.

b. FOIA, as amended (5 U.S.C. 552), allows any person the right to gain access to records created or maintained by an executive branch agency unless such information is exempt from disclosure under one or more of the FOIA's nine exemptions.

#### **1603.5 Definitions**

The following definitions apply to terms used in this directive:

a. **Access** - the transfer of a record, a copy of a record, or the information in a record to the subject individual, or the review of a record by the subject individual.

b. **Agency** - any executive department, military department, Government corporation, Government controlled corporation, or other establishment in the executive branch of the Government (including the Executive Office of the President), or any independent regulatory agency.

c. **Defunct agency records** - records in a Privacy Act system of a defunct agency that are stored in a NARA records center.

d. **Disclosure** - the transfer by any means of a record, a copy of a record, or the information contained in a record to a recipient other than the individual who is the subject of the record, or the review of a record by someone other than the subject individual.

e. **Individual** - a citizen of the United States or an alien lawfully admitted for permanent residence.

f. **Maintain** - to file, collect, use, or disseminate information.

g. **Record subject to the Privacy Act** - any item, collection, or grouping of information about an individual that is maintained by an agency, including, but not limited to, his or her education, financial transactions, medical history and criminal or employment history, and that contains his or her name or an identifying number, symbol, or other identifying particular assigned to the individual, such as a fingerprint, voiceprint, or photograph. For purposes of this directive, "record" does not mean archival records that have been transferred to the National Archives of the United States.

h. **Routine use** - with respect to the disclosure of a record, the use of that record for a purpose which is compatible with the purpose for which it was collected.

i. **Subject individual** - the individual named or discussed in a record or the individual to whom a record pertains.

j. **System manager** - the NARA official who is responsible for the maintenance of a system of records and for the collection, use, and dissemination of information in that system of records (see appendix D).

k. **System of records** - a group of records under the control of NARA from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifier assigned to that individual. Records about individuals are not part of a system of records if they are maintained chronologically or in another filing scheme not based on retrieval by personal identifier.

#### **1603.6 What are NARA's responsibilities under the Privacy Act?**

a. **Privacy Act system managers** (see appendix D) are responsible for:

(1) Ensuring that name retrievable information, in a system of records, is accurate, relevant, complete and up-to-date before disclosing it to others;

(2) Processing, in conjunction with the NARA Privacy Act Officer, requests for access to and amendments of records subject to the Privacy Act;

(3) Ensuring that the appropriate administrative, technical, and physical safeguards are established to ensure the security and confidentiality of records subject to the Privacy Act;

(4) Ensuring any disclosures are made only as allowed by the routine uses outlined in the system of records from which the records were retrieved and in accordance with this directive and NARA's implementing Privacy Act regulations; and,

(5) Maintaining an accurate accounting of disclosures, except in the case of exempt systems.

b. **NARA Privacy Act Officer** (hereafter 'Privacy Act Officer') in the Office of General Counsel (NGC) is responsible for:

(1) Ensuring NARA's compliance with the requirements of the Privacy Act

and for serving as the point of contact for the public on Privacy Act requests and information;

- (2) Ensuring that forms used to collect information that is maintained in a system of record contain or are accompanied by a Privacy Act disclosure statement;
- (3) Maintaining the log of Privacy Act requests received by NARA;
- (4) Ensuring that all NARA employees and contractors involved in the design, development, operation or maintenance of any system of records, review the provisions of the Privacy Act and its implementing regulations; and,
- (5) Preparing Privacy Act and Computer Matching Reports to Congress and the Office of Management and Budget once every two years with input from NARA system managers.

c. **The Archivist of the United States** is NARA's appeal official for all access and amendment requests under the Privacy Act denied by the Inspector General (OIG) (see 36 CFR 1202.56(a)(1) and 1202.80(a)(2)). Determinations are made within 30 work days from the date on which the appeal is received.

d. **The Deputy Archivist of the United States** is NARA's appeal official for all access and amendment requests under the Privacy Act denied by other NARA offices (see 36 CFR 1202.56(a)(2) and 1202.08(a)(1)). Determinations are made within 30 work days from the date on which the appeal is received.

e. For current NARA employees seeking amendment of records maintained in the employee's Official Personnel Folder or in another Government-wide system maintained by NARA on behalf of another agency, the Privacy Act Officer provides the employee with the name and address of the appropriate appeal official in that agency.

### **1603.7 What records are covered by this directive?**

This directive applies to NARA operational records (records used in current NARA business) and non-accessioned records of any defunct agency that are stored in a NARA records center and that are explicitly covered by the defunct agency's Privacy Act system of records. Accessioned records are specifically excluded from the provisions of the Privacy Act (see par. 1603.8).

### **1603.8 What records are not covered by this directive?**

a. This directive specifically excludes records that have been transferred to NARA for permanent retention.

b. Presidential records, records covered by the Presidential Recordings and Materials Preservation Act, and donated historical materials are specifically excluded from the provisions

of the Privacy Act.

c. Records of other agencies that are stored in Federal records centers are governed by the Privacy Act rules of the originating agency.

d. Personnel and medical records held by the National Personnel Records Center (NPRC) on behalf of the Department of Defense and the Office of Personnel Management (OPM) are subject to the Privacy Act regulations of those agencies.

e. Requests for disclosure of publicly-available information such as official position descriptions, title, grade and salary of agency employees are processed under the provisions of FOIA (see NARA 1602, Access to Records Requested under FOIA).

**1603.9 Does the Privacy Act limit NARA's ability to compile names and addresses for mailing lists?**

The Privacy Act places limitations on the use of mailing lists. Consult with the Privacy Act Officer before establishing a new mailing list or before renting, exchanging, or selling an existing mailing list. The Privacy Act Officer ensures that the proposed mailing list is covered by an existing Privacy Act system or that the proposed use of the mailing list complies with the provisions of the Privacy Act.

**1603.10 How does NARA collect information about individuals?**

To ensure that information maintained on individuals is accurate, timely and correct, NARA collects information directly from the individual to the greatest extent possible.

**1603.11 What information does NARA provide to an individual before collecting information using NARA forms?**

a. System managers, in conjunction with the Privacy Act Officer, ensure that forms used to record information provided by individuals comply with the provisions of the Privacy Act and Office of Management and Budget requirements. See NARA 108, Information Collection, for procedures on developing and obtaining approval on information collections.

b. Once appropriate clearance has been granted for an information collection, system managers or designated agency employees must provide the individual with a Privacy Act disclosure statement that includes the following elements:

- (1) The authority (statute or Executive order) that authorizes the solicitation of the information and whether disclosure of such information is mandatory or voluntary;
- (2) The principal purpose(s) for which the information will be used;
- (3) The routine uses (see appendix B) that may be made of the information.

Consult the Privacy Act Officer to ensure that these routine uses have been included in the system of records notice published in the Federal Register; and,

(4) The effects on the individual who supplies the information, if any, for not providing all or any part of the requested information.

**1603.12 Who can request access to records under the Privacy Act?**

A citizen of the United States or an alien lawfully admitted for permanent residence can file a request for access to records about themselves under the provisions of the Privacy Act. Requests from other individuals and agencies for records in a Privacy Act system are handled in accordance with pars. 1603.17 through 18 and 1603.26.

**1603.13 How do these individuals gain access to records about themselves?**

All requests for records contained in a NARA Privacy Act system of records must be made in writing and sent to the Privacy Act Officer. The Privacy Act Officer ensures that the information required by 36 CFR 1202.40 (for access by subject individuals) and 36 CFR 1202.62 (for disclosure to third parties) is provided.

**1603.14 Can the subject authorize a third party to gain access to his or her records?**

The subject of a record can authorize another individual to have access to his or her record. The subject individual's request must identify the authorized third party and be accompanied by proof of identity as outlined in 36 CFR 1202.40.

**1603.15 Who processes requests for access to information under the Privacy Act?**

a. All Privacy Act requests are processed by the appropriate NARA system manager in coordination with the Privacy Act Officer. When an office receives a Privacy Act request for a NARA operational record or a record of a defunct agency in a NARA records center, the office must notify the Privacy Act Officer before taking any action.

b. The Inspector General (OIG) processes Privacy Act requests for investigative records. OIG may consult with the Privacy Act Officer or other officials as necessary.

**1603.16 How are Privacy Act requests processed for disclosure?**

Upon receipt of a Privacy Act request the Privacy Act Officer logs the request and forwards the request to the appropriate system manager(s) for processing. The system manager, in

consultation with the Privacy Act Officer determines access rights in accordance with the provisions of the Privacy Act and the applicable system of records notice. The system manager informs the requester, in writing, of the final determination and appropriate appeal rights.

**1603.17 When does NARA disclose a record in a Privacy Act system of records to an individual other than the subject of the records (third party access)?**

No record in a system of records may be disclosed to any person or any agency without the express written consent of the subject individual unless the disclosure meets one of the conditions for disclosure without consent as provided for in 5 U.S.C. 552a(b). Those reasons are:

- a. Disclosure to NARA employees who have a need for the information in the performance of their official duties.
- b. Disclosure required under FOIA (5 U.S.C. 552).
- c. Disclosure in accordance with a published routine use (NARA's general routine uses are listed in appendix B and additional routine uses are published in the individual NARA Privacy Act system of records notice).
- d. Disclosure to the Bureau of the Census for uses described in 13 U.S.C.
- e. Disclosure to a recipient who has provided NARA with advance adequate written assurance that the records will be used solely as a statistical research or reporting record.
- f. Disclosure to NARA as a record that has sufficient historical or other value to warrant its permanent preservation.
- g. Disclosure to another agency or instrumentality of any governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity, if the activity is authorized by law and if the head of the agency or instrumentality has made a written request to NARA specifying the particular portion desired and the law enforcement activity for which the record is sought.
- h. Disclosure to a person showing compelling circumstances affecting the health or safety of an individual. Upon such disclosure, a notification must be sent to the last known address of the subject individual.
- i. Disclosure to either House of Congress or to a subcommittee or committee (Joint or of either House, to the extent that the subject matter falls within its jurisdiction).
- j. Disclosure to the Comptroller General or any authorized representatives in the course of the performance of the duties of the Government Accountability Office.
- k. Disclosure to a consumer reporting agency (credit bureau) when trying to collect a claim of the Government in accordance with section 3711(f) of 31 U.S.C.

1. Disclosure is required by a court order signed by a judge.

**1603.18 What are the procedures for disclosure of records to a third party?**

Requests may be made by individuals or organizations for information from or copies of records pertaining to other individuals that are contained in a Privacy Act system of records. System managers must:

- a. Not disclose a record in a system of records to any person or agency without the express written consent of the subject individual unless the disclosure meets one of the conditions described in 1603.17;
- b. Treat third party requests for access as a FOIA request and apply appropriate FOIA exemptions before Privacy Act provisions are applied. See NARA 1602, "Access to Records Under the Freedom of Information Act (FOIA)," for additional information on applying FOIA exemptions; and
- c. Consult with the Privacy Act Officer for the routine uses applicable to a specific system.

**1603.19 How does the system manager handle requests for access to medical records under the provisions of the Privacy Act?**

- a. If a system manager receives a request for access to a medical record covered by this directive, the request must be forwarded to the Privacy Act Officer. If the Privacy Act Officer believes that the disclosure of the medical and/or psychological information directly to the subject may have an adverse effect, NARA asks the subject to designate in writing a physician or mental health professional to whom the records should be disclosed.
- b. The OIG makes determinations concerning access to medical records for which the OIG is the system manager.

**1603.20 What are the time limits for processing a Privacy Act request?**

- a. System managers must acknowledge a request within 10 work days of its receipt by NARA and, if possible, make the records available in that same time period.
- b. If the system manager cannot make the records available within 10 work days of receiving the request, the system manager must notify the requester of the delay and provide a date when the records can be made available.

**1603.21 How does a system manager provide access to Privacy Act records?**

After consulting with the Privacy Act Officer, the system manager provides photocopies of the

requested records by mail or provides access to the requested records during normal business hours at the NARA facility where the records are located. If the person picks up the records in-person, proof of identity, as described in 36 CFR 1202.40, is required at the time of pick-up. The proof of identity furnished with the request serves as verification of the identity of the individual when the system manager sends Privacy Act protected records through the mail.

**1603.22 What fees are associated with all Privacy Act requests and what are the payment procedures?**

a. NARA generally waives the fees for the first 100 pages copied or when the cost to collect the fee exceeds the amount collected. After the first 100 pages NARA charges \$0.20 per page if NARA staff makes the copies or \$0.15 per page if the copies are made on a self-service copier. NARA does not charge search or review fees in conjunction with Privacy Act requests.

b. Fees for reproductions of Privacy Act records can be paid by check or money order made payable to the National Archives and Records Administration or NARA. All payments should be addressed to the Privacy Act Officer in NGC.

**1603.23 On what grounds can NARA deny a Privacy Act request?**

a. A system manager may deny a request for access only if:

(1) NARA has published rules in the Federal Register exempting the pertinent system of records from the access requirement (NARA's exempt systems are identified in appendix C); and

(2) The record is exempt from disclosure under FOIA.

b. When NARA receives a request for access to a record that is contained in an exempt system of records, the system manager, with appropriate coordination with the Privacy Act Officer, must:

(1) Review the record to determine if all or part of the record must be withheld; and,

(2) Provide access to the releasable portions of the record consistent with par. 1603.21.

c. If a Privacy Act request is denied in whole or in part, the system manager must inform the requester in writing which Privacy Act and FOIA exemptions apply and inform the requester of his or her appeal rights. An informational copy of the denial must be sent to the Privacy Act Officer.

**1603.24 How do requesters appeal denials of requests?**

A requester who is denied access in whole or in part to a record subject to the Privacy Act has the right to file an appeal of that denial. The appeal letter must be postmarked no later than 35 calendar days after the date on the denial letter from NARA. Appeals are adjudicated by the appropriate NARA official as designated in par. 1603.6(c) or (d).

**1603.25 How are appeals under the Privacy Act processed and what other recourse is available to requesters?**

a. Upon receipt of a Privacy Act appeal, the designated NARA Privacy Act appeal official consults with the system manager, NGC, and other NARA officials as appropriate. If it is determined that the requested records are not exempt from disclosure the records are released and the requester is notified of the disclosure in writing.

b. If, after consultation with the appropriate staff, the designated NARA Privacy Act appeal official determines that the records are not appropriate for disclosure, the appeal official will notify the requester in writing of that determination. The letter will include:

- (1) The reason for the denial of the appeal; and
- (2) Notice of the right to seek judicial review of NARA's final determination.

c. The appeal official will make the final determination within 30 work days from the date on which the appeal is received. If the appeal official cannot make a decision within the designated time limit, he or she will notify the requester in writing and provide an explanation concerning the delay.

**1603.26 How are third party appeals for access processed?**

Appeals of denials of third party requests under the Privacy Act are processed, under both FOIA and the Privacy Act, consistent with the provisions outlined in pars. 1603.24 and 1603.25.

**1603.27 What are the procedures for allowing an individual to conduct statistical research among Privacy Act protected records?**

a. NARA may consider requests for the sole purposes of conducting statistical research. If the requester requests access for statistical research, the written request must include the following information:

- (1) A statement of the purpose for requesting the records; and,

(2) The requester has to assure NARA, in writing, that the records will be used for statistical purposes.

b. The appropriate system manager, in consultation with the Privacy Act Officer, will make a determination on whether or not to disclose records for the statistical research project within 10 work days and make a final decision within 30 work days unless NARA notifies the requester of a delay in processing.

c. If the system manager decides to deny the request, he or she notifies the requester in writing and informs of the right to file an administrative appeal to the appropriate NARA Privacy Act appeal official.

d. If the system manager approves the request for disclosure for a statistical research project, the system manager ensures that personal identifying information is deleted from the record released for statistical purposes and that the identity of the individual cannot reasonably be deduced by combining various statistical records.

**1603.28 How does a system manager keep an accounting of disclosures under the Privacy Act?**

a. Except for disclosures made to NARA employees in the course of performing their official duties or as required by the Freedom of Information Act (see pars 1603.17), the system manager keeps an accurate accounting of each disclosure under the Privacy Act. The accounting includes:

- (1) Date of disclosure:
- (2) Nature and purpose of each disclosure; and
- (3) Name and address of the person or agency to which disclosure was made.

b. The system manager also maintains with the accounting of disclosures:

- (1) A full statement of the justification for the disclosures;
- (2) All documentation surrounding disclosure of a record for statistical or law enforcement purposes; and
- (3) Evidence of written consent by the subject individual to a disclosure, if applicable.

c. Accounting of disclosures will be made available to the subject individual upon

request, except for the accounting of disclosures made for a law enforcement activity or of disclosures made from an exempt system.

d. The system manager must retain the accounting of disclosure for five years after the disclosure or for the life of the record, whichever is longer.

**1603.29 Does an individual have the right to request the amendment of inaccurate information under the Privacy Act?**

Yes, an individual has the right to request that his or her record be amended. If an individual determines that a record NARA maintains on them is not accurate, he or she has the right to request that the record be amended. The Privacy Act requires that agencies maintain records that are accurate, timely, relevant, and complete.

**1603.30 Who handles requests for amendments under the Privacy Act?**

Requests for amendments are sent to the Privacy Act Officer, in NGC, and routed to the appropriate system manager, except:

a. The OIG processes requests for amendments for records for which the OIG is the system manager.

b. NARA employees who wish to amend records in their official personnel folders must write to the Director, Human Resources Services Division (NAH).

**1603.31 What must requests for amendments include?**

Requests for amendments should provide as much information, documentation, or other evidence as needed to support the request for an amendment. Requests for amendments should contain the same identifying information as outlined in 36 CFR 1202.40.

**1603.32 How does NARA handle requests to amend records?**

a. The Privacy Act Officer or the Inspector General, for Privacy Act records held by OIG, in coordination with the appropriate system manager, processes requests to amend a record within 10 work days of receipt. The response letter from the NARA Privacy Act Officer of the Inspector General will include the system manager's determination to either amend the record or deny the request.

b. If the Privacy Act Officer or OIG, as appropriate, approves the amendment request, he or she will direct the system manager to make the necessary amendment to the record and will send a copy of the amendment to the subject of the record.

c. The system manager will inform all previous recipients of the record, using the accounting of disclosures that an amendment has been made and give the substance of the

amendment. The system manager will provide copies of the amended records where practicable.

**1603.33 What happens if the Privacy Act Officer, OIG, or appropriate system manager denies a request for an amendment?**

If the Privacy Act Officer, OIG, or appropriate system manager denies a request to amend a record or determines that the record should be amended in a manner other than requested by the subject, the Privacy Act Officer, OIG, or appropriate system manager will advise of that decision in writing. The denial letter will include:

- a. The reason for the denial of the amendment request;
- b. Proposed alternative amendments, if appropriate;
- c. The subject's right to appeal the denial; and
- d. The procedures for appealing the denial.

**1603.34 What are the requester's options if the request to amend a record is denied?**

a. If the requester agrees to accept an amendment to a Privacy Act record other than the amendment proposed in the request, the requester must notify the Privacy Act Officer in writing. Upon confirmation, the Privacy Act Officer will make the necessary amendments to the record.

b. For current NARA employees, if the denial to amend concerns a record maintained in the employee's Official Personnel Folder or in another Government-wide system maintained by NARA on behalf of another agency, the Privacy Act Officer will provide the employee with the name and address of the appropriate appeal official in that agency.

c. If the requester disagrees with the denial of a request to amend a record, he or she may file an appeal consistent with the provisions outlined in pars. 1603.24 and 1603.25.

d. If a requester is not satisfied with the result of an appeal, he or she may:

(1) Seek judicial review, or

(2) File a statement of disagreement with the appropriate system manager.

The statement of disagreement must include an explanation of why the requestor believes the record to be inaccurate, irrelevant, untimely, or incomplete. The system manager will maintain the statement of disagreement in conjunction with the pertinent record. If applicable, the system manager will send a copy of the statement of disagreement to any person or agency to whom the record has been disclosed.

**1603.35 What is the process for establishing or revising a system of records notice?**

New and revised systems of records must be reviewed by OMB and Congress, and a notice must be published in the Federal Register before the systems can go into effect. When an office believes that a new or revised Privacy Act system is needed, the office head or staff director must consult the Privacy Act Officer.

**1603.36 How is a Privacy Act systems of records developed and sent for publication?**

a. A proposal for a new or revised system of records must be sent through office channels to the Privacy Act Officer at least 90 days before any new or revised system of records can go into effect. The proposal must include a complete description of and justification for each new or altered records system.

b. The Privacy Act Officer, in conjunction with the system manager, NGC, and the Policy and Planning Staff (NPOL), prepare the Privacy Act system notice and transmit the notice of the proposed establishment or alteration of a system of records for publication in the Federal Register. The system notice is signed by the Archivist. When the review and comment period is completed, the Privacy Act Officer notifies the system manager that the new or revised system can be implemented.

**1603.37 What does a Privacy Act systems of records notice contain?**

A Privacy Act system of records notice contains the following elements:

- a. The system notice identifier;
- b. The title of the system;
- c. The location(s) of the records;
- d. The individuals on which information is being collected;
- e. The kinds of records being maintained in the file;
- f. The authority allowing for the collection of information;
- g. The purpose for collecting the information and who within NARA will have access;
- h. The identities of those outside NARA who can have access to the information and for what purpose (routine uses);
- i. How the records will be stored (electronically, manually, etc.);

- j. How the records are retrieved (To be a Privacy Act system of record, the information must be retrieved by an individual's name or personal identifier);
- k. The safeguards in place to protect unauthorized access to this information;
- l. The retention and disposal requirements that will be followed for the records;
- m. The systems manager;
- n. The procedures for gaining access to the records; how to file a request; and how to contest the contents of the file;
- o. Where the information is received from; and
- p. The material in the record that can be released.

**1603.38 How do system managers safeguard records in a system of records?**

The system manager ensures that appropriate administrative, technical, and physical safeguards are established to ensure the security and confidentiality of records. In order to protect against any threats or hazards to their security or loss of integrity, paper records are maintained in areas accessible only to authorized NARA personnel. Electronic records are accessed via passwords from terminals located in attended offices. After hours, doors are secured and entrances are monitored by electronic surveillance equipment or security guards.

**1603.39 What are the record keeping requirements for access to or disclosure of Privacy Act records?**

Records maintained in NARA's Privacy Act systems are managed in accordance with the instructions in the NARA records schedule contained in FILES 203, the NARA Files Maintenance and Records Disposition Manual.

- a. The Office of General Counsel (NGC) maintains records under the file number 1103-6a and -6b, as appropriate.
- b. All other offices maintain records under file numbers 1014 through 1020, as appropriate.

**Appendix A - NARA Privacy Act systems of records**

<b>System Number</b>	<b>System Name</b>
<b>NARA 1</b>	Researcher Application Files
<b>NARA 2</b>	Reference Request Files
<b>NARA 3</b>	Donors of Historical Materials Files
<b>NARA 4</b>	Committee and Foundation Member Files
<b>NARA 5</b>	Conference, Workshop, and Training Course Files
<b>NARA 6</b>	Mailing List Files
<b>NARA 7</b>	Freedom of Information Act (FOIA) Request Files and Mandatory Review of Classified Documents Request Files
<b>NARA 8</b>	Restricted and Classified Records Access Authorization Files
<b>NARA 9</b>	Author Files

<b>NARA 10</b>	<b>RESERVED</b>
<b>NARA 11</b>	Credentials and Passes Files
<b>NARA 12</b>	Emergency Notification Files
<b>NARA 13</b>	Defunct Agency Records
<b>NARA 14</b>	Payroll and Time and Attendance Reporting System Records
<b>NARA 15</b>	Freelance Editor/Indexer Files
<b>NARA 16</b>	Library Circulation Files
<b>NARA 17</b>	Grievance Records
<b>NARA 18</b>	General Law Files
<b>NARA 19</b>	Worker Compensation Files
<b>NARA 20</b>	Reviewer/Consultant Files
<b>NARA 21</b>	Fellowship and Editing Institute Application Files
<b>NARA 22</b>	Employee Related Files
<b>NARA 23</b>	Investigative Case Files
<b>NARA 24</b>	Personnel Security Files
<b>NARA 25</b>	Order Fulfillment and Accounting System Records
<b>NARA 26</b>	Volunteer Files
<b>NARA 27</b>	Contracting Officers and Contracting Officer's Technical Representative Designation Files
<b>NARA 28</b>	Tort and Employee Claims Files
<b>NARA 29</b>	State Historical Records Advisory Board Member Files
<b>NARA 30</b>	Garnishment Files
<b>NARA 31</b>	Ride Share Locator Database
<b>NARA 32</b>	Alternative Dispute Resolution Files
<b>NARA 33</b>	Development and Donor Files
<b>NARA 34</b>	Agency Ethics Program Files
<b>NARA 35</b>	Case Management System (NPRC)
<b>NARA 36</b>	Transportation Benefit Program Files
<b>NARA 37</b>	Order On-line!
<b>NARA 38</b>	Project Management Records

### **Appendix B – NARA routine uses**

The following routine use statements apply to National Archives and Records Administration Privacy Act Systems of Records notices where indicated:

**A. Routine Use-Law Enforcement:** In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records, may be referred, as a routine use, to the appropriate agency, whether Federal, State, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

**B. Routine Use-Disclosure When Requesting Information:** A record from this system

of records may be disclosed as a routine use to a Federal, State, or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary, to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit.

**C. Routine Use-Disclosure of Requested Information:** A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, conducting a security or suitability investigation, classifying a job, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

**D. Routine Use-Grievance, Complaint, Appeal:** A record from this system of records may be disclosed to an authorized appeal or grievance examiner, formal complaints examiner, equal employment opportunity investigator, arbitrator, or other duly authorized official engaged in investigation or settlement of a grievance, complaint, or appeal filed by an employee. A record from this system of records may be disclosed to the United States Office of Personnel Management, the Merit Systems Protection Board, Federal Labor Relations Authority, or the Equal Employment Opportunity Commission when requested in the performance of their authorized duties. To the extent that official personnel records in the custody of NARA are covered within the system of records published by the Office of Personnel Management as Government wide records, those records will be considered as a part of that Government wide

system. Other records covered by notices published by NARA and considered to be separate systems of records may be transferred to the Office of Personnel Management in accordance with official personnel programs and activities as a routine use.

**E. Routine Use-Congressional Inquiries:** A record from this system of records may be disclosed as a routine use to a Member of Congress or to a Congressional staff member in response to an inquiry of the Congressional office made at the request of the individual about whom the record is maintained.

**F. Routine Use-NARA Agents:** A record from this system of records may be disclosed as a routine use to an expert, consultant, agent, or a contractor of NARA to the extent necessary for them to assist NARA in the performance of its duties. Agents include, but are not limited to, GSA or other entities supporting NARA's payroll, finance, and personnel responsibilities.

**G. Routine Use-Department of Justice/Courts:** A record from this system of records may be disclosed to the Department of Justice or in a proceeding before a court or adjudicative

body before which NARA is authorized to appear, when: (a) NARA, or any component thereof; or, (b) any employee of NARA in his or her official capacity; or, (c) any employee of NARA in his or her individual capacity where the Department of Justice or NARA has agreed to represent the employee; or (d) the United States, where NARA determines that litigation is likely to affect the agency or any of its components, is a party to litigation or has an interest in such litigation, and the use of such records by the Department of Justice or by NARA before a court or adjudicative body is deemed by NARA to be relevant and necessary to the litigation, provided, however, that in each case, NARA determines that disclosure of the records is a use of the information contained in the records that is compatible with the purpose for which the records were collected.

### **Appendix C – NARA Privacy Act systems exempt from disclosure**

The following NARA systems of records are exempt from disclosure:

- a. NARA 23 - Investigative Case files and
- b. NARA 24 - Personnel Security Case Files.

These systems of records are exempt:

- a. To the extent that the systems of records consist of investigatory material compiled for law enforcement purposes; however, if any subject individual is denied any right, privilege, or benefit to which the individual would otherwise be eligible as a result of the maintenance of such material, such material shall be provided to such individual, except to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be

held in confidence, or, prior to September 30, 1975, under an implied promise that the identity of the source would be held in confidence; and

b. To the extent the systems of records consist of investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, military service, Federal contracts, or access to classified information, but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to September 30, 1975, under an implied promise that the identity of the source would be held in confidence.

#### **Appendix D - NARA Privacy Act system managers**

To inquire about a Privacy Act request or to gain access to your records, requests should be submitted in writing to:

NARA Privacy Act Officer  
Office of General Counsel (NGC)  
National Archives at College Park  
8601 Adelphi Road, Room 3110  
College Park, MD 20740-6001

If the system manager is the Assistant Archivist for Record Services – Washington, DC (NW), the records are located at the following address:

Office of Record Services – Washington, DC (NW)  
National Archives at College Park

June 23, 2006

**NARA 1603**

8601 Adelphi Road, Room 3400  
College Park, MD 20740-6001

If the system manager is the director of a Presidential Library, the records are located at the appropriate Presidential Library, Staff or Project:

**GEORGE BUSH LIBRARY**  
1000 George Bush Drive West  
College Station, TX 77845

**JIMMY CARTER LIBRARY**  
441 Freedom Parkway  
Atlanta, GA 30307-1498

**WILLIAM J. CLINTON PRESIDENTIAL LIBRARY**  
1200 President Clinton Avenue  
Little Rock, AR 72201

**DWIGHT D. EISENHOWER LIBRARY**  
200 SE 4th Street  
Abilene, KS 67410-2900

**GERALD R. FORD LIBRARY**  
1000 Beal Avenue  
Ann Arbor, MI 48109-2114  
**HERBERT HOOVER LIBRARY**  
210 Parkside Drive  
P.O. Box 488  
West Branch, IA 52358-0488

**LYNDON B. JOHNSON LIBRARY**  
2313 Red River Street  
Austin, TX 78705-5702

**JOHN F. KENNEDY LIBRARY**  
Columbia Point  
Boston, MA 02125-3398

**NIXON PRESIDENTIAL MATERIALS STAFF**  
National Archives at College Park  
8601 Adelphi Road  
College Park, MD 20740-6001

RONALD REAGAN LIBRARY  
40 Presidential Drive  
Simi Valley, CA 93065-0600

FRANKLIN D. ROOSEVELT LIBRARY  
4079 Albany Post Road  
Hyde Park, NY 12538-1999

HARRY S. TRUMAN LIBRARY  
500 West U.S. Highway 24  
Independence, MO 64050-1798

PRESIDENTIAL MATERIALS STAFF  
National Archives and Records Administration  
700 Pennsylvania Ave, NW  
Washington, DC 20408

OFFICE OF PRESIDENTIAL LIBRARIES  
National Archives at College Park  
8601 Adelphi Road, Room 2200  
College Park, MD 20740-6001

If the system manager is the director of a Regional Records Center or Regional Archives facility, the records are located at the appropriate Regional Records Center or Regional Archives Facility:

NARA's Pacific Alaska Region (Anchorage)  
654 West Third Avenue  
Anchorage, Alaska 99501-2145  
NARA's Southeast Region (Atlanta)  
5780 Jonesboro Road  
Morrow, Georgia 30260

NARA's Northeast Region (Boston)  
Frederick C. Murphy Federal Center  
380 Trapelo Road  
Waltham, Massachusetts 02452-6399

NARA's Great Lakes Region (Chicago)  
7358 South Pulaski Road

Chicago, Illinois 60629-5898

NARA's Great Lakes Region (Dayton)  
3150 Springboro Road  
Dayton, Ohio 45439-1883

NARA's Rocky Mountain Region (Denver)  
Bldg. 48, Denver Federal Center  
P. O. Box 25307  
West 6th Avenue and Kipling Street  
Denver, Colorado 80225-0307

NARA's Southwest Region (Fort Worth)  
501 West Felix Street, Building 1  
Fort Worth, Texas 76115-3405

NARA's Central Plains Region (Kansas City)  
2312 East Bannister Road  
Kansas City, Missouri 64131-3

NARA's Pacific Region (Laguna Niguel, CA)  
24000 Avila Road, 1st Floor, East Entrance  
Laguna Niguel, California 92677-3497

NARA's Central Plains Region (Lee's Summit, MO)  
200 Space Center Drive  
Lee's Summit, Missouri 64064-1182

NARA's Northeast Region (New York City)  
201 Varick Street  
New York, New York 10014-4811  
NARA's Mid Atlantic Region (Center City Philadelphia)  
900 Market Street  
Philadelphia, Pennsylvania 19107-4292

NARA's Mid Atlantic Region (Northeast Philadelphia)  
14700 Townsend Road  
Philadelphia, Pennsylvania 19154-1096

NARA's Northeast Region (Pittsfield, MA)  
10 Conte Drive  
Pittsfield, Massachusetts 01201-8230

June 23, 2006

**NARA 1603**

NARA's Pacific Region (San Francisco)  
1000 Commodore Drive  
San Bruno, California 94066-2350

NARA's Pacific Alaska Region (Seattle)  
6125 Sand Point Way NE  
Seattle, Washington 98115-7999

National Personnel Records Center  
Civilian Personnel Records  
111 Winnebago Street  
St. Louis, Missouri 63118-4126

National Personnel Records Center  
Military Personnel Records  
9700 Page Avenue  
St. Louis, MO 63132-5100

Washington National Records Center (WNRC)  
4205 Suitland Road,  
Suitland, MD 20746-8001

If the system manager is the Executive Director of the National Historical Publications and Records Commission (NHPRC), the records are located at the following address:

National Historical Publications and Records Commission (NHPRC)  
National Archives and Records Administration  
700 Pennsylvania Avenue, NW, Room 106  
Washington, DC 20408-0001

If the system manager is the Director of the Policy and Planning Staff, the records are located at the following address:

Policy and Planning Staff (NPOL)  
National Archives and Records Administration  
8601 Adelphi Road, Room 4100  
College Park, MD 20740-6001

If the system manager is the Director of the Congressional Affairs and Communications Staff, the records are located at the following address:

June 23, 2006

**NARA 1603**

Congressional Affairs and Communications Staff (NCON)  
National Archives and Records Administration  
700 Pennsylvania Avenue, NW, Room 102  
Washington, DC 20408-0001

If the system manager is the Assistant Archivist for Information Services, the records are located at the following address:

Office of Information Services (NH)  
National Archives and Records Administration  
8601 Adelphi Road, Room 4400  
College Park, MD 20740

If the system manager is the Assistant Archivist for Administration, the records are located at the following address:

Office of Administration (NA)  
National Archives and Records Administration  
8601 Adelphi Road, Room 4200  
College Park, MD 20740

If the system manager is the Director of the Federal Register, the records are located at the following address:

Office of the Federal Register (NF)  
National Archives and Records Administration  
700 Pennsylvania Avenue, NW  
Washington, DC 20408-0001

If the system manager is the Inspector General, the records are located at the following address:

Office of the Inspector General (OIG)  
National Archives and Records Administration  
8601 Adelphi Road, Room 1300  
College Park, MD 20740

If the system manager is the General Counsel, the records are located at the following address:

Office of the General Counsel (NGC)  
National Archives and Records Administration  
8601 Adelphi Road, Room 3110

College Park, MD 20740

**Appendix E – Government-wide Privacy Act systems of records maintained by NARA**

**Note:** This is not a comprehensive list of the Government-wide systems or records. The appendix lists system notices for common records that are covered by this directive.

<b>System Number</b>	<b>System Name</b>
<b>EEOC/GOVT-1</b>	Equal Employment Opportunity Complaint Records and Appeal Records
<b>FEMA/GOVT-1</b>	National Defense Executive Reserve System
<b>GSA/GOVT-2</b>	Employment Under Commercial Activities Contracts
<b>GSA/GOVT-3</b>	Travel Charge Card Program
<b>GSA/GOVT-4</b>	Contracted Travel Services Programs
<b>MSPB/GOVT-1</b>	Appeal and Case Records
<b>OGE/GOVT-1</b>	Executive Branch Public Financial Disclosure Reports and Other Ethics Program Records (PDF)
<b>OGE/GOVT-2</b>	Confidential Statements of Employment and Financial Interests
	OPM Government-wide Privacy Act Systems
<b>OPM/GOVT-1</b>	General Personnel Records
<b>OPM/GOVT-2</b>	Employee Performance File System Records

<b>OPM/GOVT-3</b>	Adverse Actions and Actions Based on Unacceptable Performance
<b>OPM/GOVT-5</b>	Recruiting, Examining and Placement Records
<b>OPM/GOVT-6</b>	Personnel Research and Test Validation Records
<b>OPM/GOVT-7</b>	Applicant--Race, Sex, National Origin and Disability Status Records